



U.S. Department of Justice

Antitrust Division

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June 25, 2018

ECF & HAND DELIVERY

Honorable Richard Berman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: U.S. v. Richard Usher et al, 17-Crim-019 (RMB)

Dear Judge Berman,

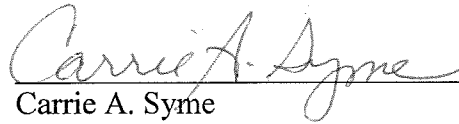
We look forward to appearing before Your Honor for our status conference on Tuesday, June 26 at 11 a.m. Given that we are a little more than three months away from the beginning of trial, the parties would like to use this conference as an opportunity to make some initial plans for the conduct of trial, particularly with respect to timing and logistics. (We conferred with counsel for Defendants on these issues.) In particular, we would like to discuss:

- Whether Your Honor's courtroom will be used for trial (as opposed to a larger courtroom), and whether overflow rooms will be arranged;
- The estimated number of days/weeks for each party's case-in-chief;
- Whether the Court will set time limitations on any jury address or witness examinations, or on the overall length of trial;
- The Court's expectation with respect to how many days per week and hours per day trial will be conducted;
- The appropriate time to start discussing courtroom technology and logistics, and which court representative we should contact to begin those discussions; and
- Whether the Court prefers to rely upon any particular standard set of jury instructions.

In addition, we understand one or more Defendants may seek a revision to their bail agreements to allow them to delay their return to the United States prior to trial. Currently, they are required to return by September 1. Assuming each Defendant will return to the jurisdiction a reasonable number of days prior to trial, the government will not oppose that request.

We learned from counsel this morning that Defendants may raise additional, discovery-related issues with the Court via letter today. We have not yet seen that letter. As a result, we plan to address any such issues during the conference tomorrow.

Sincerely yours,

A handwritten signature in cursive script, reading "Carrie A. Syme", written over a horizontal line.

Carrie A. Syme  
Trial Attorney

Jeffrey D. Martino  
Chief, New York Office

Bryan Bughman  
Trial Attorney

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